

**METROPOLITAN NASHVILLE-DAVIDSON COUNTY
TRANSPORTATION LICENSING COMMISSION**

Minutes of

April 26, 2005

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (the "Commission") met in regular session on this date at the Metropolitan Nashville General Sessions Judicial Complex in Metro Center. The Commissioners present were Chair Cynthia Odle and Commissioners Ray Dayal, Gladys Lozada, Holly Sharp, and James Utley (5). Also attending were Metro Legal advisor Jason Bergeron; Commission staff members Larry Ennis, Walter Lawhorn and Lisa Steelman; and Brian McQuiston, Director-Executive Secretary to the Commission.

Chair Cynthia Odle called the meeting to order and led the Pledge of Allegiance.

The minutes of the March 22, 2005 meeting were unanimously approved.

Chair Cynthia Odle noted that Diamond Taxi was not represented, and that Mr. Johnny Tucker had indicated his desire to be moved up on the agenda, so that he could appear at a court appointment. Commissioners agreed to place the taxi disciplinary hearings first on the order of business.

TAXI DRIVER DISCIPLINARY HEARINGS

JOHNNY W. TUCKER: Mr. Tucker, driver for Allied Cab, appeared before the Commission. **Chair Cynthia Odle** noted that the Commission had granted Mr. Tucker a permit, restricted to Allied Cab, in December 2004, and had placed him on probation for one year. Because of his admitted history of drug abuse, a condition of his permit had been a requirement to submit to quarterly random drug testing, as directed by Commission staff. She noted that Mr. Tucker had been told to report for a drug test on February 18, but did not report for the test until February 24; and that test had therefore been determined to be invalid. She noted that Director McQuiston had subsequently ordered Mr. Tucker to report for a drug test on March 30. Mr. Tucker did not report for the test until April 1; and the test result indicated positive for cocaine. As a result, Mr. Tucker's permit had been suspended, pending a final determination by the Commission. Mr. Tucker responded that he had made some bad decisions. **Commissioner Holly Sharp** moved to revoke Mr. Tucker's permit. **Commissioner James Utley** seconded, and the motion was unanimously approved.

ABDIGANI M. ABDILLAHI: Ms. Crystal McAdams, dispatcher at Allied Cab, and Mr. Bill Young, Allied Cab owner, appeared before the Commission. Ms. McAdams stated that on March 26, 2005, Mr. Abdillahi, a driver for Allied Cab, had checked a call; but then had failed to pick up the passenger. Mr. Abdillahi appeared before the Commission. He disputed the charge, stating that he had not heard, nor checked the call; and was not aware of the issue until he heard his cab number mentioned later on the radio. He stated that he believed some other cab driver had responded with his call sign, a common practice. Ms. McAdams claimed that she could distinguish Mr. Abdillahi's voice. Mr. Young stated that he had fired Mr. Abdillahi, but that he believed Mr. Abdillahi was now working at United Cab. **Chair Cynthia Odle** noted that Mr. Abdillahi's driver record indicated no other complaints, and that his criminal background checks and motor vehicle reports were flawless. Ms. McAdams stated that this was not the first time Mr. Abdillahi had failed to pick up a passenger. **Commissioner Holly Sharp** asked Mr. Young what he was asking from the Commission. Mr. Young responded that taxicab drivers needed to know that they had to respond to calls; that there were too many drivers doing the same thing. **Commissioner Holly Sharp** moved that the Commission place Mr. Abdillahi on probation for six months; if, after this period, his employer reports that his performance is outstanding, his regular permit will be reinstated. **Commissioner Gladys Lozada** seconded. After discussion, **Commissioner Holly Sharp** accepted a friendly amendment; she moved that the Commission place Mr. Abdillahi on probation for six months; if, after this period, United Cab management reports to the Commission that Mr. Abdillahi's performance has been exemplary, his regular permit will be reinstated. If Mr. Abdillahi wants to change companies before that time, he must appear before the Commission and explain specific reasons for doing so. **Commissioner Gladys Lozada** seconded, and the motion was unanimously approved.

TAXI DRIVER PERMIT

BRADEN F. GOLDMAN: Mr. Goldman, driver for American Music City Taxi, failed to appear. Company co-owner Johnny White stated that Mr. Goldman knew about the meeting, and he did not know why Mr. Goldman was not present. Director McQuiston noted that Mr. Goldman had already reapplied for his driver permit; and that the only reason he was on the agenda was because he had requested to appear. **Commissioner Holly Sharp** moved to dismiss. **Commissioner James Utley** seconded, and the motion was unanimously approved.

TAXICAB COMPANY REPORT

Chair Cynthia Odle noted that Diamond Taxi management had failed to report to the hearing. Director McQuiston stated that Mr. Gillespie had been notified, and understood that he was to report to the Commission on the status of his vehicles and permits, the deadline for which had been March 31. After some discussion, the Chair directed staff to call him and instruct him to appear, or risk losing his certificate.

OTHER BUSINESS

Accessible Taxicabs: Mr. Johnny White, co-owner of American Music City Taxi, appeared before the Commission with Ms. Tricia Griggs and Mr. Tom Hopton, advocates representing the Center for Independent Living, Transportation Coalition. Mr. White explained that he had been working with Commission staff, MTA and advocacy groups to find a solution that would enable his taxicab company to provide ADA-compliant, wheelchair-accessible taxis. He asked if the Commission would consider a Rule change allowing a modest increase in vehicle age limits, which might make purchasing an appropriately-equipped van financially viable. After some discussion about costs and inspection assistance from MTA and the ADA office, **Commissioner Holly Sharp** moved to amend the Commission Rules to provide a waiver of vehicle age limits and establish a mileage cap for ADA-compliant, wheelchair accessible vans; provided that there is a written agreement with MTA and the ADA office and appropriate mechanical inspections to ensure public safety. **Commissioner James Utley** seconded. Discussion on the motion centered on necessary coordination with MTA and the ADA office, after which **Commissioner Holly Sharp** offered a friendly amendment; and moved to direct staff to coordinate with MTA and the ADA office, and to draft and present a proposal for a Rule change at a public hearing next month. **Commissioner James Utley** seconded, and the amended motion passed unanimously.

TAXICAB COMPANY REPORT (continued)

Mr. Roy Gillespie, owner of Diamond Taxi, appeared before the Commission to report on the status of his permits. **Commissioner Ray Dayal** asked him why he was late; Mr. Gillespie responded that he thought the meeting was at 2:30. **Commissioner Holly Sharp** noted that it was 3:00, and told Mr. Gillespie that the only reason she had agreed to allow him to be moved to the end of the agenda was out of concern for Diamond Taxi drivers who might be affected by the closure of his company. **Chair Cynthia Odle** asked how many vehicles he currently had; Mr. Gillespie stated that he had thirteen. Ms. Steelman reported that only eleven were insured, and produced copies of the insurance binders. Mr. Gillespie reviewed the insurance binders, and stated that the package did not include Mr. Favi's vehicle and one of Mr. Bokhari's vehicles. Ms. Steelman stated that she had not received a binder from the insurance company. Mr. Lawhorn stated that Mr. Bokhari's vehicle was wrecked. **Chair Cynthia Odle** reminded Mr. Gillespie that it was his responsibility to provide documentation to the Commission staff. **Commissioner Holly Sharp** moved to require Mr. Gillespie to purchase the appropriate decals and provide all required information on his vehicles and drivers to Ms. Steelman no later than May 17, 2005; and to bring this information and reappear before the Commission at the May 24, 2005 meeting. **Commissioner Gladys Lozada** seconded, and the motion passed unanimously.

There being no further business, the meeting was adjourned.

ATTEST:

APPROVED:

Brian E. McQuiston
Director-Executive Secretary

Cynthia M. Odle
Chair